IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 7158 of 2005(B)

PETITIONER:

P.S.SHALIYA, D/O.P.M.SHAMSUDDIN,
POTTAKKATTU HOUSE, THEVAKKAL, THRIKKAKARA P.O.

BY ADV. SRI.P.K.IBRAHIM

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD, REP. BY
ITS SECRETARY, VYDHYUTHI BHAVAN, PATTOM,
TRIVANDRUM.

2. THE DEPUTY CHIEF ENGINEER(APTS),
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHIBHAVANAM, PATTOM, THIRUVANANTHAPURAM.

3. THE SPECIAL OFFICER(REVENUE),
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

4. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, KALAMASSERY.

5. THE ASSISTANT ENGINEER(APTS),
KERALA STATE ELECTRICITY BOARD,
PALAKKAD.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 TRUE COPY OF THE MAHAZAR DT.12.8.2004

EXT.P2 TRUE COPY OF THE DEMAND NOTICE DATED 17.8.2004

EXT.P2(a)TRUE COPY OF THE CALCULATION STATEMENT DATED 17.8.2004

EXT.P3 TRUE COPY OF THE ORDER DATED 24.09.2004

EXT.P4 TRUE COPY OF THE ORDER DATED 9.2.2005

EXT.P5 TRUE COPY OF THE DEMAND NOTICE DATED 16.2.2005

TRUE COPY

PA TO JUDGE

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.7158 of 2005-B

Judgment

The petitioner is a consumer of electricity under the KSEB. She is aggrieved by Ext.P4 order and Ext.P5 demand made by the Board. The main grievance of the petitioner is that Ext.P4 order has been issued in violation of Section 126(6) of the Electricity Act, 2003. The respondents submit, they are ready to revise the order as well as the demand, in tune with Section 126(6) of the Act. In view of the said submission, Exts.P4 and P5 are quashed. The competent authority of the KSEB shall issue a revised demand on the petitioner in accordance with the above submission within one month from the date of receipt of a copy of this Judgment. If, based on the revised demand, it is found that the petitioner has paid any excess amount, the same shall be refunded or adjusted towards future demands.

The Writ Petition is disposed of as above.

10.12.2007 **K.BALAKRISHNAN NAIR, JUDGE**

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